



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
(Implements RCW 34.05.350)

Agency: Department of Social and Health Services - Medicaid Program.

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

- ☐ Immediately upon filing.  
☒ Later (specify) October 27, 2011

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- ☐ Yes ☒ No If Yes, explain:

**Purpose:**

To establish hearing rules related to Medicaid funded services to implement the requirements of 2E2SBH 1738 Section 53, effective July 1, 2011, for the transition of the single state Medicaid agency to the Washington Health Care Authority.

**Citation of existing rules affected by this order:**

Repealed: WAC 388-526-2610  
Amended: None  
Suspended: None

**Statutory authority for adoption:** RCW 41.05.021

**Other authority:** 2E2SHB 1738 Section 53

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☒ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- ☒ That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

**Reasons for this finding:**

2E2SHB 1738 Section 53(10) states that the authority "shall adopt any rules it deems necessary to implement this section" dealing with hearing rights. Further, in Section 130, the bill states that "this act is necessary for the *immediate* preservation of the public peace, health, or safety of the state government and its existing public institution, and takes effect July 1, 2011." Delaying this adoption, could jeopardize the Agency's ability to provide general hearing rules and procedures that apply to the resolution of disputes between medical assistance clients and the various medical services programs established under chapter 74.09 RCW. This emergency rule is necessary to continue the current emergency rule adopted under WSR 11-14-040 while the permanent rule-making process is completed. The Agency filed CR101 Preproposal Statement of Inquiry under WSR# 11-19-004 on September 7, 2011, and is currently following the permanent rules process with internal drafting of the rules, conducting meetings in-house, and scheduling a discussion meeting with interested stakeholders.

**Date adopted:** October 20, 2011

**NAME (TYPE OR PRINT)**  
Katherine Vasquez

**SIGNATURE**

**TITLE**  
DSHS Rules Coordinator

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED**

**DATE: October 26, 2011**

**TIME: 11:07 AM**

**WSR 11-22-028**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>137</u>	Amended	_____	Repealed	<u>1</u>
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>137</u>	Amended	_____	Repealed	<u>1</u>